

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALTAGRACIA PEGUERO,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,
INC.,

Defendant,

Civil Action No. 05-10995-RCL

AMERICAN EXPRESS COMPANY,
INC.,

Cross-Claim Plaintiff,

v.

FEDERAL INSURANCE COMPANY and
THE SKLOVER GROUP INC.,

Cross-Claim Defendants.

**ASSENTED-TO MOTION TO ENLARGE TIME TO RESPOND
TO AMERICAN EXPRESS'S MOTION TO MAINTAIN AS
CONFIDENTIAL THE MARKETING AGREEMENT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 7.1, Cross-claim Defendant Federal Insurance Company ("Federal") respectfully moves this Court for leave to enlarge its time to respond to the motion of American Express Company, Inc. ("American Express") to maintain as confidential the Marketing Agreement between American Express and HealthExtras, LLC ("HealthExtras"), filed on June 22, 2006 in this Court, through and including August 3, 2006. As grounds for this motion, Federal states:

- (1) American Express has assented to this motion.

(2) On June 2, 2006, Federal sent a letter to American Express pursuant to paragraph 14 of the Stipulated Protective Order objecting to the confidential designation of the Marketing Agreement between American Express and HealthExtras.

(3) On June 22, 2006, Federal was served with American Express's motion to maintain as confidential the Marketing Agreement between American Express and HealthExtras.

(4) On June 29, 2006, Federal filed a motion to enlarge the time to respond through July 13, 2006, which this Court granted on July 12, 2006.

(5) The parties are currently engaged in discussions which may result in the resolution and dismissal of the cross-claims against Federal. An enlargement of time will prevent any unnecessary expense for the parties while a possible resolution is being negotiated. Further, the short extension of time will not unduly delay these proceedings.

For the foregoing reasons, Federal respectfully moves this Court to allow the motion.

Dated: Boston, Massachusetts
July 13, 2006

RIEMER & BRAUNSTEIN LLP

By: /s/ Mark Corner
Mark W. Corner (BBO#550156)

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*Attorneys for Cross-claim Defendant Federal
Insurance Company*

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)

Mark W. Corner, counsel of record for the Defendant Federal Insurance Company, hereby certifies that on July 13, 2006, Danielle M. Aguirre of the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, co-counsel to Federal Insurance Company, conferred by telephone with John F. Farraher, counsel to American Express, in an effort in good faith to resolve or narrow the issue presented in this motion, as required by Local Rule 7.1(A)(1), and that American Express has assented to the relief sought herein.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 13th DAY OF JULY 2006.

/s/ Mark Corner

CERTIFICATE OF SERVICE

I, Mark W. Corner hereby certify that on this date, July 13, 2006, I caused to be served the foregoing document, along with the accompanying Motion for Leave to File Additional Papers, by electronic notice, upon the following counsel of record:

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/s/ Mark Corner
Mark W. Corner

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